







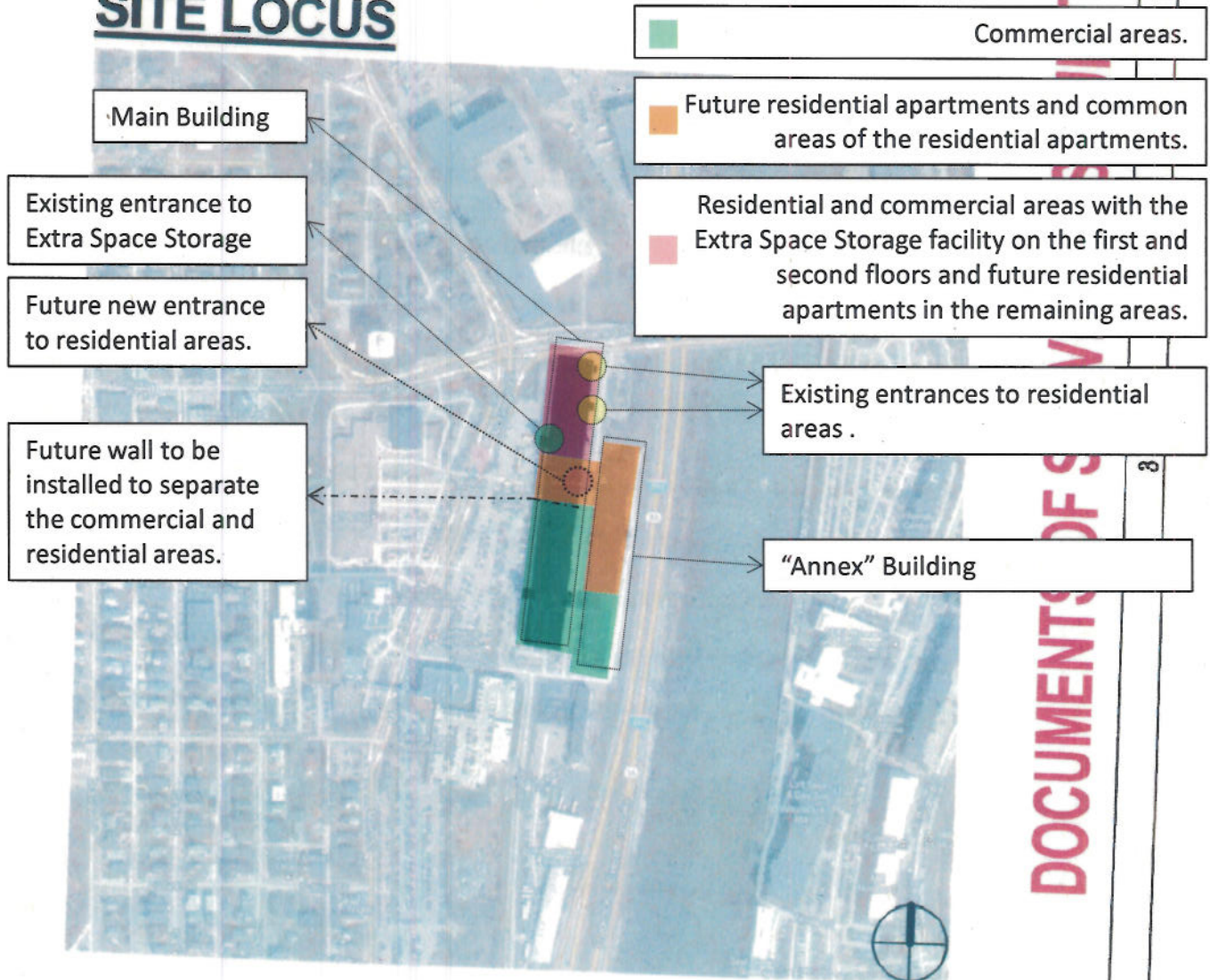


Attachment 5

**Copy of Site Locus of Property with annotations
by Inspector Aman**

**Site Locus of Property With Annotations by
EPA Inspector Alexander Aman**

SITE LOCUS



**MILLWORKS
APARTMENTS**

10-10-2009

**ABBREVIATIONS
& SYMBOLS**

101

Attachment 6

Inspection Question and Response Notes

MEMORANDUM

DATE: DRAFT: February 7, 2014
FINAL: February 25, 2014

SUBJ: Inspection Question and Response Notes for the 1/29/14 EPA RRP Rule Inspection of Brady Sullivan Properties, LLC, Manchester, New Hampshire

FROM: Alexander Aman, Environmental Engineer
Toxics and Pesticides Unit, OES

TO: File

Participating Individuals

Alexander Aman, Inspector, US EPA R1
Marc A. Pinard, Esq. – Brady Sullivan Properties, LLC – General Counsel
David Brady – Brady Sullivan Properties, LLC – Principle
Larry St. Pierre – Brady Sullivan Properties, LLC – Senior Project Manager
Les A. Cartier – Les A. Cartier and Associates Inc. – Environmental Consultant
Dianne Cartier – Les A. Cartier and Associates Inc. – Environmental Consultant

Property history of 195 McGregor Street in Manchester, New Hampshire

- When did Brady Sullivan Properties, LLC ("BS") acquire the property located at 195 McGregor Street in Manchester, New Hampshire (the "Property")?

Marc A. Pinard ("MP"), Dianne Cartier ("DC"), and Les A. Cartier ("LC") – 2007 is a reasonable estimate.

- Who/what entity actually owns the Property?

MP – BS is the owner. The property is held by a single purpose entity.

- Does BS function as the property owner or property manager?

MP – BS is both the property manager and the property owner.

- How many different renovation "projects" has BS initiated at the Property since acquiring it?

MP, David Brady ("DB"), Larry St. Pierre ("LSP"), LC, and DC - The prior owner had sandblasted almost all painted surfaced and replaced most of the windows at the Property. There are two areas on the Property that have long-term tenants (Extra Space Storage and a portion of the Catholic Medical Center offices). Sandblasting did not occur in those areas and painted surfaces remain in those areas. BS has not had work done in those areas due to the long-term tenants being in those spaces since before BS acquired the Property.

Work on the south end of the main building was done in the first five years after BS acquired it and included conversion of existing space into commercial units. Work on the north end of the main building began in early 2013 and consists of converting the space not occupied by Extra Space Storage into residential units and residential common areas (entrance, gym, reception desk, etc.). Work on the annex began in the last three weeks and consists of converting the northern ¾ into residential units.

Review role of BS as “general contractor” (see 1/14/14 email from BS with contractor list)

- Who does what for these “projects”?

MP and LSP – BS employees supervise the subcontractors and act as technical resources for the projects. Their function is strictly administrative and supervisory.

- Do BS employees actually perform work (disturbance of painted surfaces) for compensation?

MP and LSP – No.

Review of property site plan of 195 McGregor Street in Manchester, New Hampshire

- What areas are or will be target housing or child occupied facilities?

MP - No child occupied facilities. The third and fourth floors of the northern portion of the main building are being converted into residential apartments. The northern three quarters of the annex building will be converted into residential apartments.

- What areas are common areas?

MP and LSP – A portion of the northern section of the main building on the first and second floors will be converted into common areas (gym, reception desk, etc) for the residential portion of the property. BS intends to install a wall between the northern and southern portions of the main building to completely separate the commercial and public areas.

- What areas are commercial/public?

MP and LSP – The entire southern portion of the main building is commercial. The first and second floors of the northern portion of the main building are commercial and house Extra Space Storage. The southern one quarter of the annex building is commercial and there are no plans to convert it into residential.

- What areas of the property were impacted by each “project”?

See above.

- Is BS aware of any complaints concerning any of the projects? (see 1/9/14 email response, get copies)

MP, LC, and LSP – None known.

- Review any previously unknown complaints.

NA – see above.

- Is BS aware of any other inspections by other entities (OSHA, City/State health, etc.)?

MP, LC, and LSP – BS is aware that OSHA conducted an inspection of a flooring subcontractor but is not aware of the reason for the inspection or any resulting findings, recommendations, or required corrective actions. BS is not aware of any other specific inspections.

- What were the findings of the other inspections?

NA – see above.

- What steps were taken by BS or sub-contractors in response to those inspections?

NA – see above.

Review specific complaint and work impacting Extra Space Storage

- Who performed the work?

See 1/6/14 and 1/9/14 email responses from BS.

- Adjacent to or part of residential portion?

MP – Work area is one story below the residential area of the northern portion of the main building and was not near common areas or common building entrances.

- Specific scope of work. How many windows/openings, etc.

MP and LSP – One window opening was addressed. Workers removed the plywood covering the opening and inserted an aluminum window into the existing opening. Other existing wood components in the opening were not disturbed.

- Lead/environmental survey available?

MP, LC, DC, and LSP – BS is aware that painted surfaces exist in the Extra Space Storage area of the property and suspect that much of it may be lead paint due to the age of the building. BS is not aware of any lead survey for the impacted area. Extra Space Storage was a preexisting tenant at the time BS purchased the property. The previous owner was not able to sandblast that area. The lease agreement with Extra Space Storage details that Extra Space Storage is responsible for all work in the leased areas including maintenance and upgrades. Consequently, BS has not historically been involved in work in that area and is not aware of any specific lead hazards in that area.

- Cleaning performed?

See 1/6/14 and 1/9/14 email responses.

- Any remaining lead hazards?

See above.

- Any steps identified to mitigate/address them?

See above.

Review renovation activities impacting target housing or child occupied facilities

- Testing/documentation of exclusions?

MP, LC, DC, and LSP – BS claims that the renovation activities did not disturb painted surfaces. See above. BS does not have documentation of the presence or absence of painted surfaces on surfaces impacted by the renovation activities. The renovation areas contain multiple interior columns that did have painted surfaces. BS assumes that these painted surfaces contain lead. These columns were

encapsulated using encapsulating paint prior to the renovation and were not disturbed during the renovation.

- On 1/29/14 Mr. Aman observed an individual preparing to install a window on the west side of the main building at the Property. Did this activity impact residential areas or common areas of the building?

LSP – Yes, the activity is impacting a common area but no painted surfaces are being disturbed. The window is replacing plywood and slides into place using the existing stops.

- Does the testing or documentation exist for each impacted component?

MP, LC, DC, and LSP – BS is not aware of any component specific or general testing or documentation.

- Do the RRP Rule requirements apply?

MP – BS believes that the RRP Rule requirements do not apply due to the absence of painted components being disturbed.

- If so document RRP Rule compliance.

MP – BS does not have documentation of RRP Rule compliance because BS believes that the RRP Rule requirements do not apply due to the absence of painted components being disturbed. Consequently, the RRP Rule requirements were not followed.

- Get copy of contracts if applicable.

NA

- Document cleaning activities irrespective of RRP Rule requirements.

MP, LC, DC, and LSP - BS ensures good housekeeping at all of their properties and that the renovated areas are always thoroughly cleaned.

Attachment 7

Signed TSCA Notice of Inspection form



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT
TITLE IV - LEAD HAZARD REDUCTION
NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION

DATE 01/29/2014	INSPECTION NO. F15895	DAILY SEQ. NO. 01
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3. NAME & ADDRESS OF INSPECTED ENTITY

Brady Sullivan Properties, LLC
670 N. Commercial Street
Manchester, NH 03101

2. INSPECTOR'S ADDRESS

U. S. Environmental Protection Agency - New England
Five Post Office Square - Suite 100 (OES05-4)
Boston, MA 02109-3912

4. ADDRESS OF INSPECTION

670 N. Commercial Street
Manchester, NH 03101

For Internal EPA Use. Copies may be provided to recipient as acknowledgment of this notice.

RRP INSPECTION

For the purpose of monitoring compliance with the following Subparts of 40 CFR Part 745 Subpart E - Residential Property Renovation (check appropriate blocks):

- ☐ A. Information distribution requirements
- ☒ B. Work practice standards
- ☐ C. Recordkeeping and reporting requirements
- ☐ D. Firm certification
- ☐ E. Renovator certification and dust sampling technician certification
- ☒ F. Other

• exemptions
• commercial and public buildings Rule

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

INSPECTOR'S SIGNATURE

Alexander A. Aman

RECIPIENT'S SIGNATURE

Marc A. Pina

NAME

Alexander Aman

NAME

MARC A. PINA

TITLE

Inspector

DATE SIGNED

TITLE

General Counsel

DATE SIGNED

1/29/14

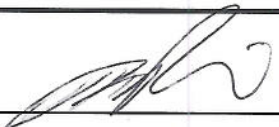
FILE COPY

Attachment 8

Completed TSCA Inspection Confidentiality Notice form



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION			4. FACILITY NAME	
DATE 01/29/2014	INSPECTOR NO. F15895	DAILY SEQ. NO. 01	Brady Sullivan Properties, LLC	
2. INSPECTOR'S NAME Alexander Aman			5. ADDRESS 670 N. Commercial Street Manchester, NH 03101	
3. INSPECTOR'S ADDRESS U. S. Environmental Protection Agency - New England Five Post Office Square – Suite 100 (OES05-4) Boston, MA 02109-3912			6. NAME OF CHIEF EXECUTIVE OFFICER Marc A. Pinard, Esq.	
			7. TITLE General Counsel	
For internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.				
TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM				
<p>It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.</p> <p>Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.</p> <p>A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practicable to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.</p> <p>While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:</p>			<p>2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).</p> <p>3. The information is not publicly available elsewhere.</p> <p>4. Disclosure of the information would cause substantial harm to your company's competitive position.</p> <p>At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.</p> <p>If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.</p> <p>The statement from the Chief Executive Officer should be addressed to: Rosina Toscano TSCA CBI Document Control Officer USEPA-New England 5 Post Office Square – Suite 100 (OES05-1) Boston, MA 02109-3912</p> <p>and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.</p>	
TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE I acknowledge receipt of this notice:			If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.	
SIGNATURE 			NAME	
NAME Marc A. Pinard			TITLE	
TITLE General Counsel		DATE SIGNED 1/29/14	ADDRESS	

FILE COPY

Attachment 9

**Signed Receipt For Documents form associated
documents**



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT



RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. COMPANY NAME
DATE: 01/29/2014	INSPECTION NO. F15895	DAILY SEQ. NO. 01	Brady Sullivan Properties, LLC
3. INSPECTOR ADDRESS U. S. Environmental Protection Agency - New England Five Post Office Square – Suite 100 (OES05-4) Boston, MA 02109-3912			4. COMPANY ADDRESS 670 N. Commercial Street Manchester, NH 03101

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of the documents mixtures described below collected in connection with the administration and enforcement of TSCA 402(c) and TSCA 406(b).

RECEIPT OF DOCUMENT(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
01	Site Locus

OPTIONAL: DUPLICATE COPIES: REQUESTED AND PROVIDED <input type="checkbox"/>		NOT REQUESTED <input type="checkbox"/>	
INSPECTOR SIGNATURE 		CLAIMANT SIGNATURE 	
NAME Alexander Aman		NAME MARC A. Pinn	
TITLE Inspector	DATE SIGNED	TITLE General Counsel	DATE SIGNED 1/29/14

FILE COPY